Order under Section 69
**Residential Tenancies Act, 2006**

**File Number:** CEL-90870-19

**In the matter of:** 1014, 1477 MISSISSAUGA VALLEY BOULEVARD
MISSISSAUGA ON L5A3Y4

**Between:** Morguard Nar Canada Limited Partnership — Landlord

**and**

Gul Ahmed Noori
Laila Noori — Tenants

I certify this is a true copy of the Order/Report.
Dated: 17-01-2020 Landlord and Tenant Board

Morguard Nar Canada Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Laila Noori and Gul Ahmed Noori (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe. The Landlord also claimed administration charges related to NSF cheques.

This application was heard in Mississauga on January 8, 2020. Only the Landlord's Legal Representative, Faith McGregor, attended the hearing.

**Determinations:**

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from August 1, 2019 to January 31, 2020. Because of the arrears, the Landlord served a Notice of Termination effective November 18, 2019.

2. The Landlord incurred charges of $27.00 for administration charges related to cheques tendered by or on behalf of the Tenants, which were returned NSF.

3. The Landlord collected a rent deposit of $1,817.52 from the Tenants and this deposit is still being held by the Landlord.

4. Interest on the rent deposit is owing to the Tenants for the period from January 1, 2019 to November 18, 2019.

5. The Tenants paid $7,269.27 after the application was filed.

6. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

**It is ordered that:**

1. Unless the Tenants void the order as set out below, the tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before January 28, 2020.

2. The Tenants shall pay to the Landlord $815.68*, which represents the amount of rent owing and compensation up to January 17, 2020, and the total charges related to one NSF cheque tendered to the Landlord by or on behalf of the Tenants, less the rent deposit and interest the Landlord owes on the rent deposit.

3. The Tenants shall also pay to the Landlord $59.75 per day for compensation for the use of the unit starting January 18, 2020 to the date the Tenants move out of the unit.

4. The Tenants shall also pay to the Landlord $175.00 for the cost of filing the application.

5. If the Tenants do not pay the Landlord the full amount owing* on or before January 28, 2020, the Tenants will start to owe interest. This will be simple interest calculated from January 29, 2020 at 3.00% annually on the balance outstanding.

6. If the unit is not vacated on or before January 28, 2020, then starting January 29, 2020, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

7. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord, on or after January 29, 2020.

8. If, on or before January 28, 2020, the Tenants pay the amount of $3,629.04** to the Landlord or to the Board in trust, this order for eviction will be void. This means that the tenancy would not be terminated and the Tenants could remain in the unit. If this payment is not made in full and on time, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

9. The Tenants may make a motion to the Board under subsection 74(11) of the Act to set aside this order if they pay the amount required under that subsection on or after January 29, 2020 but before the Sheriff gives vacant possession to the Landlord. The Tenants are only entitled to make this motion once during the period of the tenancy agreement with the Landlord.

**January 17, 2020**
**Date Issued**

Randy Aulbrook
Member, Landlord and Tenant Board

Central-RO

3 Robert Speck Pkwy, 5th Floor
Mississauga ON L4Z2G5

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on July 29, 2020 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.

* Refer to section A on the attached Summary of Calculations.
** Refer to section B on the attached Summary of Calculations.

## Schedule 1
## SUMMARY OF CALCULATIONS

**File Number: CEL-90870-19**

### A. Amount the Tenants must pay if the tenancy is terminated:

| Reasons for amount owing | Period | Amount |
|---|---|---|
| Arrears: (up to the termination date in the Notice of Termination) | August 1, 2019 to November 18, 2019 | $6,319.32 |
| Less the amount the Tenants paid to the Landlord | | -$7,269.27 |
| Plus compensation: (from the day after the termination date in the Notice to the date of the order) | November 19, 2019 to January 17, 2020 | $3,585.00 |
| Less the rent deposit: | | -$1,817.52 |
| Less the interest owing on the rent deposit: | January 1, 2019 to November 18, 2019 | -$28.85 |
| Administration charges related to NSF cheque charges: | | $27.00 |
| Amount owing to the Landlord on the order date: (total of previous boxes) | | **$815.68** |
| Additional costs the Tenants must pay to the Landlord: | | $175.00 |
| Plus daily compensation owing for each day of occupation starting January 18, 2020: | | $59.75 (per day) |
| **Total the Tenants must pay the Landlord if the tenancy is terminated:** | | **$990.68, + $59.75** per day starting January 18, 2020 |

### B. Amount the Tenants must pay to void the eviction order and continue the tenancy:

| Reasons for amount owing | Period | Amount |
|---|---|---|
| Arrears: | August 1, 2019 to January 31, 2020 | $10,696.31 |
| Less the amount the Tenants paid to the Landlord | | -$7,269.27 |
| Additional costs the Tenants must pay to the Landlord: | | $175.00 |
| Administration charges related to NSF cheque charges: | | $27.00 |
| **Total the Tenants must pay to continue the tenancy:** | On or before January 28, 2020 | $3,662.04 |

# Arrears Worksheet

**File Number:** CEL-90870-19

**Time period for Arrears Owing** From: August 1, 2019 to November 18, 2019
(From the commencement of arrears to the termination date in the notice, or the end of the rental period if the tenancy is not being terminated.)

**Part 1 - Calculations of Arrears Owing**

| (A) Rent Period (monthly, weekly, etc.) | (B) Rent Charged | (C) Lawful Rent (if issue raised) | (D) Lower of (B) and (C) | (E) Rent Paid | (F) Amount Owing (D-E) |
|---|---|---|---|---|---|
| 01/08/2019 - 31/10/2019 | $5,452.56 | | $5,452.56 | $208.81 | $5,243.75 |
| 01/11/2019 - 18/11/2019 | $1,075.57 | | $1,075.57 | | $1,075.57 |
| | | | | | |
| | | | | | |
| **Part Month | | | | | |
| | | | **(F) Total Rent Owing** | | $6,319.32 |

** To calculate the Rent for part of a month, use the following formula for columns (B), (C) and (D):

$$\frac{\text{Monthly Rent X 12}}{365} \text{ X \# Days}$$

| | | |
|---|---|---|
| (G1) | **Arrears Owing** [From (F)] | $6,319.32 |
| (G2) | **Arrears Claimed** | $7,263.27 |
| (G3) | **Include whichever is less when Calculation Total Arrears Owing** | **$6,319.32** |
| (H1) | **Payment to Landlord** | $7,269.27 |
| (I) | **Total Amount Owing** | **-$949.95** |

**Part II - Calculation of Compensation**
(Use this part if the tenancy is being terminated)

| | | |
|---|---|---|
| (J) (i) | **Lump Sum Compensation Start Date** (Day after termination date in notice) | November 19, 2019 |
| (ii) | **Lump Sum Compensation End Date** (Date of order) | January 17, 2020 |
| (K) | **Daily Compensation** $\frac{\text{(Monthly Rent X 12)}}{365}$ | $59.75 |
| (L) | **Number of Days for Lump Sum Compensation** (# days between start date and order date - inclusive) | 60 days |

**(M)** **Total Lump Sum Compensation** **$3,585.00**
[(K) X (L)] =

**Part III - Rent Deposit and Interest Owing**
(Use this part if you are terminating the tenancy)

**(N)** **Rent Deposit** **$1,817.52**

**(O1)** **Interest Owing on Rent Deposit**
For period from: 01/01/2019 to 18/11/2019

| | | |
|---|---|---|
| (i) Annual Amount (S) X 1.8% | = | $32.72 |
| (ii) Daily Amount (i) / 365 | | = 0.0896 |
| (iii) Interest Owing (ii) X 322 (# of days) | = | **$28.85** |

**(O2)** **Total amount of interest owing on rent deposit**

[(O1)] $28.85

**(P)** **Rent Deposit + Interest**

[(N) + (O2)] = **$1,846.37**

**Part IV - Total Amount Owing**

**(Q)** Terminating the tenancy [I+M-P] **$788.68**